

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 5, 2002
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Fire Station, 612 1st Street, in said City on the 5th day of November 2002 at 7:30 P.M. Present were: Mayor J. Elaine Plessel, Scott Burroughs, Gary Cooper, Rick Fortune, Lyle Neal, Attorney Robert Blevens, Chief of Police Forrest Siebken and City Clerk Jeanne Hoggins. Also present: Willis Heyen, Lindsey Troyer, Terry Good, Bob Anderson, Dean Bruha, Rick Bell, Building Inspector Roger Kness and Tim Laux with the Milford Times.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Plessel called the meeting to order at 7:30 pm.

MINUTES: A motion was made by Fortune and seconded by Neal to approve the minutes of the October 3, 2002 meeting. Roll call vote: Fortune yes, Neal yes, Burroughs yes, Cooper abstain. Motion carried.

PAYMENT OF BILLS: A motion was made by Cooper and seconded by Neal that the following bills in the amount of \$85,424.32 approved by the Auditing Committee be approved for payment. Roll call vote: Cooper yes, Neal yes, Burroughs yes, Fortune yes. Motion carried.

SALARIES:

35762	Mark Frey	1081.34
35763	Forrest K. Siebken	1025.56
35764	Mavis Lynn Ferris	32.84
35765	Jeanne M. Hoggins	914.48
35766	Gary Lee TeSelle	631.09
35767	Scott Dean Fosler	858.08
35768	Robert L. Hull	661.33
35769	Beverly J. Wehrs	442.91
35770	Edna A. Riedl	224.87

35771	David R. Dahle	749.28
35772	Louis J. Bialas	746.13
35773	Pamela J. Slama	247.80
35774	Arlene F. Sieck	537.01
35775	Lucy B. Honig	297.82
35776	Zachary D. Eden	126.80
35777	Bryce C. Johnson	719.69
35778	Philip Winkelmann	694.20
35824	Mark Frey	1096.48
35825	Forrest K. Siebken	1040.40
35826	Mavis Lynn Ferris	25.72
35827	Jeanne M. Hoggins	929.22
35828	Gary Lee TeSelle	657.51
35829	Scott Dean Fosler	868.50
35830	Robert Hull	886.60
35831	Beverly J. Wehrs	414.90
35832	Edna A. Riedl	348.36
35833	David R. Dahle	792.66
35834	Louis J. Bialas	744.50
35835	Pamela J. Slama	219.31
35836	Arlene F. Sieck	545.62
35837	Lucy B. Honig	231.27
35838	Zachary D. Eden	133.28
35839	Bryce C. Johnson	694.20
35840	Philip Winkelmann	694.20
35841	Lindsey S. Troyer	432.63
35844	Gary W. Cooper	138.53
35845	Roger L. Kness	178.55
35846	Joyce Elaine Plessel	184.70
35847	Ricky Gene Fortune	138.53
35848	Scott C. Burroughs	138.53
35849	Emerson L. Neal	138.53
35850	Mark Frey	1096.48
35851	Forrest K. Siebken	1040.40
35852	Mavis Lynn Ferris	28.30
35853	Jeanne M. Hoggins	929.22
35854	Gary Lee TeSelle	657.51
35855	Scott Dean Fosler	890.46
35856	Robert L. Hull	720.92
35857	Beverly J. Wehrs	435.03
35858	Edna A Riedl	311.76

35859	David R. Dahle	765.73
35860	Louis J. Bialas	757.83
35861	Pamela J. Slama	259.79
35862	Arlene F. Sieck	545.62
35863	Lucy B. Honig	269.26
35864	Zachary D. Eden	133.28
35865	Bryce C. Johnson	802.49
35866	Philip Winkelmann	694.20
35867	Lindsey S. Troyer	516.43

GENERAL FUND:

35761	U.S. Postmaster – Utility Billing Postage	138.64
35779	Ameritas Life Insurance Corp – Retirement	1225.94
35780	AFLAC – Disability, Cancer, Accident Supp'l	152.90
35781	American Water Works – Fall Conv/Frey, TeSelle	130.00
35782	Alltel – Pay Phone, Cellular, Internet for September	150.38
35783	Alltel – Long Distance for September	5.46
35784	Arrakis Publishing – Support/Upgrade	295.00
35785	Credit Bureau of Lincoln – Monthly Chg / 12 months	170.00
35786	Culligan – Soft Water	17.00
35787	Farmers Coop – Gas/Diesel, Tube/Tire, Repairs	994.51
35788	Eakes – Cartridges, Grn Bar Paper, Calendar, Ribbon	240.72
35789	Garbage Company – Svc for Sept/ Garbage Pickup	87.00
35790	Heartland Auto Body – Insurance Deductible	500.00
35791	Holiday Inn – Mosquito Meeting	58.00
35792	IIMC – Annual Member Fee	75.00
35793	Mainstreet Designs, Inc. – Christmas Decorations	6046.28
35794	Memorial Health Care Systems – Life Support Classes	90.00
35795	Milford Plumbing Inc. – Galv Pipe/Urinal Repair	84.04
35796	Milford Times – Mtg Notices/Min/Time Cards/Ad	534.93
35798	NE Dept of Revenue – Sales Tax for September	1835.66
35799	NE Health Laboratory – Lead/Copper, Colfn, Ntrt	601.00
35800	NE Motor Parts Co – Wire Connectors, Belt	20.13
35801	NE HHSR&L Credentialing Div. – Renewal-Bialas	10.00
35802	NE Public Power District – Service for September	5072.02
35803	NE Tech & Telecom Inc. – Service for September	534.30
35804	Olsson Associates – Storage Tank/Welch Park Rd.	2185.98
35805	Pegler & Sysco – Place Mats	100.75
35806	Aquila – Service for September	181.59
35807	Pizza Kitchen – Thurs. Eve. Meals	133.00
35808	Purchase Power – Postage for Meter	600.00
35809	Police Officer's Assoc of NE – Member Dues	50.00

35810	Police Officer's Assoc of NE – Ann Member Dues	30.00
35811	Roxanne Roth – Clean City Offices,Fire Hall,Library	250.00
35812	Mrs. Wayne Roth – 2 Birthday Cakes	28.00
35813	Schlegel's Groceries – Groc & Milk	26.05
35814	Seward County Independent – 1 yr. Subscription	32.00
35815	Sunrise Country Manor – 348 Meals for September	1044.00
35816	Traf-O-Teria – Parking Tickets	160.06
35817	Uniservice, Inc. – Pants & Rags	116.62
35818	Walmart Community Brc – Marker Kit	6.87
35819	Carlos Caro – Water Deposit Refund	13.58
35820	Zak Cook – Water Deposit Refund	15.81
35821	Phoenix & Fundraising – 30 Pins	66.95
35822	Bruce Rediger – Alley Claim	300.00
35823	Lauralee Roth – Webermeier Rent Refund	35.00
35842	Ameritas Life Insurance Corp.- Retirement	1312.03
35843	United Healthcare – Group Health	6706.52
35868	Ameritas Life Insurance Corp. – Retirement	1312.03
35869	American Library Preview – 4 Sets of Books	443.08
35870	Alltel – Dir Assist.,Paging/local,wide area, Mobile	47.51
35871	HRS USA – MS Windows 98 upgrade	99.99
35872	Better Homes and Gardens – 2 yr. Subscription	22.00
35873	Blevens Law Office – Legal Services for Oct.	350.00
35874	Centaur Enterprises, Inc. – Screws,wshrs,clmps	300.64
35875	City of Milford – Postage,Meeting,Petty Cash	86.55
35876	Doubleday Book Club – 9 Books	150.84
35877	Eakes Office Plus – Copies through Copier	182.76
35878	Follett Software Co. – Sprt Agrmnt #289967	480.00
35879	Gerhold Concrete Co. – Limestone, Fill Sand	560.75
35880	Heartsong Presents – 4 Books	12.01
35881	Lucy Honig – Reimburse for Books	58.37
35882	Ingram Library Services – 76 Books	805.00
35883	Kapco – Book Covers	216.98
35884	Kids Discover – 1 yr. Subscription	19.95
35885	Layne Christensen Co. – 2" Air RLS/VAC VLV	740.98
35886	The Library Store – Ofc Supl, Bar Codes	92.35
35887	Alan G. Loftis – Appraisal Water Tower	750.00
35888	Milford Plumbing – Gate,vlv,nipple,galv,coupling	73.72
35889	Milford School Dist. #5 – Fines Collected for Oct.	50.00
35890	Midtown Holiday Inn – POAN conf.	172.84
35891	Midwest Unlimited – 24x Sal Auto Lev1 Kit	525.00
35892	Miller-Monroe Co. – General Liability Ins.	36021.00

35893	National Casualty Co. – Fire Dept. Insurance	737.08
35894	Nebraska Health Laboratory – Ntrt,voc's, coliform	311.00
35895	Office Depot – Antivirus, name plate, stamp	108.96
35896	Olsson Associates – Wtr Twr,Lft Sta,Add'l Chrgs	8657.09
35897	Omaha Life Insurance Co. – Life Insurance	66.65
35898	OMB Police Supply – SGTS Badge	96.00
35899	Police Officers' Assoc of NE – 5 lgl mtrls & cvrs	66.25
35900	Accord Capital Corporation – Armor coat for slides	187.80
35901	Quill Corporation – 2 calculators	119.98
35902	B & R Electronics – MS Grant Workshop	175.00
35903	Edna Riedl – Gates/E-Rate Trng Mlg	47.74
35904	Roxanne Roth – Clean City Office, Fire, Library	250.00
35905	Sack Lumber Co. – Pre Cut Stakes	19.00
35906	Servi-Tech, Inc. – Ammon,Nit,Oxy,WW Anal	70.15
35907	Sherman Communication, Inc. – In Car Video Repair	157.50
35908	Forrest Siebken – Meals, Mlg, POAN	68.73
35909	Share Corp. – 55 Gal Floating Lft Dgr	1102.79
35910	Shelmar Publications – “Home Is Where the Mom Is”	19.95
35911	Taste of Home – 2 Yr. Subscription	22.98
35912	Union Bank – Gary TeSelle #5562939	300.00
35913	Walmart – Ofc supp, jntor supp, ctrg,seat	102.12
35914	The H.W. Wilson Co. – 1 Yr. Subs-Readers guide	337.00
35915	Frank Mendenhall – Water/Sewer Deposit Refund	50.00
35916	Dr. Byron K. Winter – Squirrel Bite Observation	93.25

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Planning and Zoning minutes for October 10, 2002 and October 17, 2002; Library Board minutes for September 19, 2002; Police Dept. Activity Report for October 2002. Fortune – Alan Loftis has presented the appraisals for the Welch Park ground relating to the Water Tower. Approximately the width of 1.2 feet of ground will need to be purchased the entire length along the west side of the Park. Neal – The Friends of the Sr. Center has established documentation to accept charitable contributions. Siebken – 1543 total calls for service for the month of October 2002. Siebken was notified by a motorist of a fire across the road to the east of the landfill which turned out to be manure and straw from the State Fair along with sacks of leaves and grass (items used for composting). Siebken had the Fire Dept. look at the site. E.P.A. was notified and estimated 1,000 cubic yards of waste, which is somewhat of a violation. E.P.A. will be working with G & P Development to rectify the situation.

COMMUNICATIONS: Sales tax received for the month of August 2002 was \$12,129.20.

UNFINISHED BUSINESS:

Alltel, Wireless Communications Antenna/Contract: After reviewing the final tower agreement Blevens informed the Council that Alltel will need space available to them for a generator back-up system. Discussion was held as to how big this unit is and the space available in the fenced in area around the base of the water tower, if in deed a fenced in area is needed. It was suggested to have Alltel provide specs and a list of equipment to the engineers to see if the equipment would fit in the fenced area. Fortune noted that he would speak with the engineers before proceeding.

NEW BUSINESS:

Approve Payments – New Water Tower, Olsson Assoc.: A motion was made by Fortune and seconded by Burroughs to approve payment for invoices totaling \$3,611.66 for the new water storage tank. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried. A motion was made by Fortune and seconded by Burroughs to approve payment of invoices totaling \$7,231.41 for the new water storage tank after review. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried.

Private Wells – Revise Ordinance No. 728: Discussion was held as to the fee increasing from \$10 to \$100. Rick Bell questioned if the Council would consider grandfathering the private wells already in place. Mr. Bell also noted that Crete and Seward charge a \$50 fee. Fortune compared water usage for residents with private wells and without private wells and noted that a \$100 fee is not unreasonable. Council member Fortune introduced the following ordinance:

ORDINANCE NO. 733

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA TO SET MINIMUM CONSTRUCTION REQUIREMENTS FOR PRIVATE WELLS; LIMITING THE USE OF PRIVATE WELLS WITHIN THE MUNICIPALITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Charge for Non-Sufficient Fund Checks: Hoggins informed the Council that with the F & M Bank changing their software program, the City is automatically being assessed a \$2.00 handling fee and having their bank account debited for returned checks. This process will create additional bookkeeping and Hoggins suggested a fee for non-sufficient fund checks. Fees were discussed and Burroughs made a motion seconded by Cooper to charge \$25.00 for every non-sufficient fund check returned to the City of

Milford. Roll call vote: Burroughs yes, Cooper yes, Fortune yes, Neal no. Motion carried.

Hire Youth Boys Basketball Coach: A motion was made by Burroughs and seconded by Fortune to hire Jeremy Kent as the youth boys basketball coach for the Saturday morning program. Roll call vote: Burroughs yes, Fortune yes, Cooper yes, Neal yes. Motion carried.

Award Bid – Welch Park Ball field Improvements: Burroughs reported that a committee of coaches and interested parents met to decide on what improvements should be made to the ball fields. Bids for the project were broke into 3 different sections: 1) All weather fields 2) Irrigation system for both infield and outfield 3) Player shelters & bullpen areas. Two bids were received – The Diamonds Groundskeeper total package - \$139,975.00; All Pro Landscaping total package - \$110,290.15. Both bids met the criteria specified. A motion was made by Burroughs and seconded by Neal to award the bid to All Pro Landscaping in the amount of \$110,290.15. Roll call vote: Burroughs yes, Neal yes, Cooper yes, Fortune yes. Motion carried.

Executive Session – Personnel & Litigation: A motion was made by Fortune and seconded by Neal to go into Executive Session. Roll call vote: Fortune yes, Neal yes, Cooper yes, Burroughs yes. Motion carried and Council adjourned from regular session at 8:15 pm. A motion was made by Fortune and seconded by Burroughs to return to Regular Session. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried and Council returned to regular session at 8:55 pm.

Sewer Claim Settlement: Willis Heyen presented information to the Council again, regarding his sewer backup at 119 S. Elm Street. Mr. Heyen mentioned that when he was the Mayor, he was instrumental in getting the State of NE to sign over 50-60 Soldiers & Sailors cemetery lots to the City of Milford after lack of payment for maintenance and upkeep of these lots. The City would then be allowed to sell these lots. The current rate for a burial space is \$200.00 per space. Mr. Heyen presented a settlement agreement to the City of two (2) cemetery spaces valued at \$400.00 for damage he occurred during the sewer backup totaling \$463.00. Fortune pointed out to Mr. Heyen, according to the investigation of the City's Insurance Co. (Oak River Insurance Co.) an excess of grease placed in the line, caused the blockage. There was no negligence on the City's behalf. Fortune informed Mr. Heyen that the City would have to handle this claim exactly as we have handled claims in the past. If the insurance co. denies the claim, the City is not responsible. A motion was made by Fortune and seconded by Neal to deny the claim. Roll call vote: Fortune yes, Neal yes, Burroughs yes, Cooper yes. Motion carried.

Craig Bontrager arrived at the meeting.

ADJOURNMENT: A motion was made by Fortune and seconded by Cooper to adjourn the meeting. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried and meeting adjourned at 9:12 pm.

City Clerk

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on November 5, 2002 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk